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June 2, 2020

BY ECF

Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Plaintiff shall file an Amended Complaint by **June 10, 2020**. The initial pretrial conference ("IPTC") scheduled for **June 11, 2020**, is adjourned to **July 23, 2020, at 10:50 a.m.** Any issues related to supplemental jurisdiction and discontinuing the state court action will be discussed at the IPTC. The parties shall file their pre-conference materials by **July 16, 2020**. So Ordered.

Dated: June 3, 2020
New York, New York

Re: *Baez v. United States*, 20 Civ. 1091 (LGS)

Dear Judge Schofield:

On February 25, 2020, the Court scheduled an initial conference in this action for April 7, 2020 and ordered the parties to submit a status letter summarizing the case.

On March 27, 2020, the parties submitted a letter to the Court, explaining that Defendant had not yet served an answer in the instant case and had not yet been able to discuss the case with the VA. In addition, the letter indicated that there is an accompanying action in Supreme Court, New York (Index No. 805036/2020) wherein defendant Hassan Mohamed, M.D., had yet to interpose an Answer and that Plaintiff planned to join the Supreme Court action pursuant to supplemental jurisdiction and amend the complaint in the instant action to add the state court defendants as additional parties since the claims of negligence in the Supreme Court action are substantially related to those claimed herein. Therefore, an adjournment of the initial conference was requested.

On March 30, 2020, the Court granted an adjournment of the initial conference and rescheduled it for June 11, 2020 and stated that as per Dkt. No. 6, the parties shall file a proposed Case Management Plan at least seven days prior to the conference.

On May 15, 2020, Defendant interposed an Answer in the instant action.

Service of the state court complaint on defendant Hassan Mohamed MD's has been delayed as a result of the COVID-19 pandemic.



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

On May 19, 2020, Plaintiff contacted counsel for the defendants' in the state court action and inquired as to whether they would consent to join the federal court action. On June 2, 2020, they advised that they will not consent.

Plaintiff requests guidance as to how the Court wishes us to proceed. We propose serving an amended complaint to include the defendants from the state action (Defendant's counsel consents), allowing the defendants to serve answers in the federal action, and waiting until the Court decides whether it will exercise supplemental jurisdiction before discontinuing the state court action. If this course of action is agreeable to your Honor, we will do so as soon as possible.

In addition, we believe it would be reasonable to adjourn the initial conference for an additional 60 days in order to allow the state court defendants to appear at said conference and thereby allow more efficient discovery.

The parties thank the Court for its attention to this matter.

Sincerely,

GUY S. REGEV (GR-6773)

By:

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